

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

THEODORE EUGENE GARLAND,

Defendant.

Case No. 20CR173-MLC

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2020 OCT 23 PM 4:47
MARGARET BOTKINS, CLERK
CASPER

INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

COUNT ONE

On or about June 2, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully violated a closure instituted by the Park Superintendent, to wit: he violated the closure at Crystal Falls near the Brink of the Lower Falls.

In violation of 36 CFR § 1.5(f).

COUNT TWO

On or about June 15, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully violated a term and condition of a permit issued to him pursuant to 36 CFR § 1.6, namely: guiding to disturb wildlife.

In violation of 36 CFR § 1.6(g)(2).

COUNT THREE

On or about June 25, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully

violated a term and condition of a permit issued to him pursuant to 36 CFR § 1.6, to wit: not leaving the area in the same condition as it was found.

In violation of 36 CFR § 1.6(g)(2).

COUNT FOUR

On or about June 25, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully violated a term and condition of a permit issued to him pursuant to 36 CFR § 1.6, to wit: violating a closure while guiding.

In violation of 36 CFR § 1.6(g)(2).

COUNT FIVE

On or about June 22, 2018, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully did not confine foot travel in a thermal area to boardwalks and trails that are maintained for such travel and marked by official signs, to wit: the Shoshone Geyser Basin.

In violation of 36 CFR § 7.13(j).

COUNT SIX

On or about June 11, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully did not confine foot travel in a thermal area to boardwalks and trails that are maintained for such travel and marked by official signs, to wit: an unknown geyser basin.

In violation of 36 CFR § 7.13(j).

COUNT SEVEN

On or about June 4, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully did

not confine foot travel in a thermal area to boardwalks and trails that are maintained for such travel and marked by official signs, to wit: the Sylvan Springs Group in Gibbon Meadows.

In violation of 36 CFR § 7.13(j).

COUNT EIGHT

On or about June 17, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully did not confine foot travel in a thermal area to boardwalks and trails that are maintained for such travel and marked by official signs, to wit: Rabbit Creek.

In violation of 36 CFR § 7.13(j).

COUNT NINE

On or about July 5, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully did not confine foot travel in a thermal area to boardwalks and trails that are maintained for such travel and marked by official signs, to wit: the Crater Hills Geyser Basin, Hayden Valley.

In violation of 36 CFR § 7.13(j).

COUNT TEN

On or about July 30, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully violated a designation, use and activity restriction and condition, and a public use limit, instituted by the Park Superintendent, to wit: climbing, diving and jumping from cliffs and trees in an area designated for swimming, and he knowingly aided and abetted the commission of said offense.

In violation of 36 CFR § 1.5(f) and 18 U.S.C. § 2.

COUNT ELEVEN

On or about June 2, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully violated a closure instituted by the Park Superintendent, to wit: violating the closure at Brink of Lower Falls.

In violation of 36 CFR § 1.5(f).

COUNT TWLEVE

On or about June 25, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully violated a closure instituted by the Park Superintendent, to wit: violating the closure at Brink of Lower Falls.

In violation of 36 CFR § 1.5(f).

COUNT THIRTEEN

On or about June 25, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully possessed, destroyed, injured, defaced, removed, dug and disturbed from its natural state a mineral resource or cave formation, and the parts thereof.

In violation of 36 CFR § 2.1(a)(1)(iv).

COUNT FOURTEEN

From on or about January 16, 2020, through on or about July 30, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, with intent to cause public alarm, nuisance, jeopardy and violence, and knowingly and recklessly creating a risk thereof, unlawfully created and maintained

a hazardous and physically offensive condition, to wit: he guided individuals to an area for the purpose of cliff jumping.

In violation of 36 CFR § 2.34(a)(4).

COUNT FIFTEEN

On or about June 2, 2020, within the exterior boundaries of Yellowstone National Park, in the District of Wyoming, the Defendant, **THEODORE EUGENE GARLAND**, unlawfully engaged in an activity subject to a permit requirement imposed pursuant to 36 CFR § 1.6 without having obtained such a permit.

In violation of 36 CFR § 1.6(g)(1).

DATED this 23rd day of October, 2020.

MARK A. KLAASSEN
United States Attorney

By: 

STEPHANIE A. HAMBRICK
Assistant United States Attorney

PENALTY SUMMARY	
DEFENDANT NAME:	THEODORE EUGENE GARLAND
DATE:	October 23, 2020
INTERPRETER NEEDED:	No
VICTIMS:	No
OFFENSE/PENALTIES:	
Counts 1, 11, 12:	36 CFR § 1.5(f) (Unlawfully violate a closure, designation use and activity restriction and condition, schedule of visiting hours, and public use limit) Class B Misdemeanor 6 Months Imprisonment \$5,000 Fine 5 Years Probation \$10 Special Assessment
Counts 2, 3, 4:	36 CFR § 1.6(g)(2) (Unlawfully violate a term or condition of a permit issued pursuant to this section) Class B Misdemeanor 6 Months Imprisonment \$5,000 Fine 5 Years Probation \$10 Special Assessment
Counts 5, 6, 7, 8, 9:	36 CFR § 7.13(j) (Unlawfully did not confine foot travel in a thermal area within the Yellowstone Canyon between the Upper Falls and Inspiration Point to boardwalks or trails that are maintained for such travel and marked by official signs) Class B Misdemeanor 6 Months Imprisonment \$5,000 Fine 5 Years Probation \$10 Special Assessment

Penalty Summary

October 23, 2020

Page 2

RE: Theodore Eugene Garland
Case Number: 5:20-mj-65-MLC

Count 10: 36 CFR § 1.5(f) and 18 U.S.C. § 2

(Unlawfully violate a closure, designation use and activity restriction and condition, schedule of visiting hours, and public use limit, and aiding and abetting)

Class B Misdemeanor
6 Months Imprisonment
\$5,000 Fine
5 Years Probation
\$10 Special Assessment

Count 13: 36 CFR § 2.1(a)(1)(iv)

(Did unlawfully possess, destroy, injure, deface, remove, dig and disturb from its natural state a mineral resource or cave formation and the parts thereof)

Class B Misdemeanor
6 Months Imprisonment
\$5,000 Fine
5 Years Probation
\$10 Special Assessment

Count 14: 36 CFR § 2.34(a)(4)

(Did unlawfully with intent to cause public alarm, nuisance, jeopardy and violence, and knowingly and recklessly creating a risk thereof, create and maintain a hazardous and physically offensive condition, namely: guided individuals to an area for the purpose of cliff jumping)

Class B Misdemeanor
6 Months Imprisonment
\$5,000 Fine
5 Years Probation
\$10 Special Assessment

Penalty Summary

October 23, 2020

Page 3

RE: Theodore Eugene Garland
Case Number: 5:20-mj-65-MLC

Count 15: **36 CFR § 1.6(g)(1)**
(Unlawfully engaged in an activity subject to a permit requirement imposed pursuant to this section without obtaining a permit)

Class B Misdemeanor
6 Months Imprisonment
\$5,000 Fine
5 Years Probation
\$10 Special Assessment

TOTALS: 90 Months Imprisonment
\$75,000 Fine
5 Years Probation
\$150 Special Assessment
\$30 Court Processing Fee

AGENT: Devon Beeny, NPS

AUSA: Stephanie A. Hambrick
Assistant United States Attorney

ESTIMATED TIME OF TRIAL: 1 to 5 days

WILL THE GOVERNMENT SEEK DETENTION IN THIS CASE: No

ARE THERE DETAINERS FROM OTHER JURISDICTIONS: No